

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

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UNITED STATES OF AMERICA and  
THE STATE OF WISCONSIN,

Plaintiffs,

v.

No. 10-CV-910-WCG

NCR CORPORATION, *et al.*,

Defendants.

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**DEFENDANT APPLETON PAPERS INC.'S CIVIL L.R. 7(h) EXPEDITED  
NON-DISPOSITIVE MOTION FOR LEAVE TO EXCEED 30-PAGE  
LIMIT FOR ITS BRIEF IN RESPONSE TO THE UNITED STATES'  
MOTION FOR PRELIMINARY INJUNCTION**

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Defendant Appleton Papers Inc. ("API") by its undersigned attorneys, respectfully moves for leave to exceed the 30-page limit set forth in Civil L.R. 7(f) for its brief in response to the United States of America's Motion for a Preliminary Injunction ("Motion"). Specifically, API respectfully seeks leave to file a response brief not to exceed 45 pages. The grounds for this motion are as follows:

1. The United States of America ("United States") filed its Motion on March 29, 2011. API's response to the Motion is due April 12, 2011.
2. Civil L.R. 7(f) directs that response briefs may not exceed 30 pages absent prior leave of Court.
3. The United States' Motion is supported by a 30-page brief, as well as three declarations, attaching more than 500 pages of exhibits.
4. API intends to file a substantive response to the Motion presenting detailed facts and legal argument regarding, among other things, why it is not a liable party under CERCLA, why the harm the United States alleges is divisible, the differences between the Government's work plan and the API/NCR work plan, why the United States

would not suffer irreparable harm by proceeding with API/NCR's proposed work plan for the 2011 construction season, and why API, by contrast, faces significant harm from the United States' proposed preliminary injunction.

5. API does not believe that it can fully present the facts and legal issues pertinent to the Motion within the 30-page limit allotted under the Civil L.R. 7(f).

6. API, therefore, respectfully requests leave to file a response brief not in excess of 45 pages, exclusive of declarations and exhibits. Prior to seeking leave of Court, API contacted counsel for the United States to attempt to obtain agreement to API's request. Counsel for the United States declined API's request.

Dated this 8<sup>th</sup> day of April, 2011.

Respectfully submitted,

APPLETON PAPERS INC.

s/ Ronald R. Ragatz

Michael L. Hermes  
HERMES LAW LTD.  
333 Main Street, Suite 601  
Green Bay, Wisconsin 54301  
(920) 436-9870  
Fax: (920) 436-9871

Ronald R. Ragatz  
DEWITT ROSS & STEVENS S.C.  
2 E. Mifflin Street, Suite 600  
Madison, Wisconsin 53703  
(608) 255-8891  
Fax: (608) 252-9243

**COUNSEL FOR APPLETON PAPERS INC.**

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 8, 2011, I electronically filed Defendant Appleton Papers Inc.'s Civil L.R. 7(h) Expedited Non-Dispositive Motion For Leave To Exceed 30-Page Limit For Its Brief In Response To The United States' Motion For Preliminary Injunction using the ECF system, which will send notification of such filing by operation of the Court's electronic systems. Parties may access this filing via the Court's electronic system.

s/ Ronald R. Ragatz  
Ronald R. Ragatz